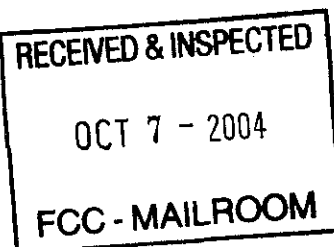


Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554



|  |   |                      |
|--|---|----------------------|
| In the Matter of:                          | ) |                      |
|  | ) |                      |
| Amendment of Section 73.202(b),            | ) |                      |
| Table of Allotments,                       | ) | MB Docket No. 03-144 |
| FM Broadcast Stations.                     | ) | RM-10733             |
| (Gunnison, Crawford, Olathe, Breckenridge, | ) | RM-10788             |
| Eagle, Fort Morgan, Greenwood Village,     | ) | RM-10789             |
| Loveland, and Strasburg, Colorado, and     | ) |                      |
| Laramie, Wyoming)                          | ) |                      |

To: Office of the Secretary  
 Attn: Assistant Chief, Media Bureau

**REQUEST FOR APPROVAL OF WITHDRAWAL**

Mayflower-Crawford Broadcasters ("MCB"), by its counsel, hereby requests Commission approval of the withdrawal of its counterproposal in the above-captioned proceeding. In particular, MCB withdraws its expression of interest in a Channel 272C2 allotment at Crawford, Colorado in favor of a Class C3 allotment, for reasons more fully discussed below. Attached hereto, pursuant to Section 1.420(j) of the Commission's Rules, is a declaration certifying that MCB will not receive any consideration for the withdrawal.

In reply comments in this proceeding, the petitioner suggested that Channel 274C3 could be allotted at Crawford, Colorado. MCB hereby accepts the petitioner's suggestion. Channel 274C3 at Crawford does not conflict with any of the proposals in this proceeding.<sup>1</sup> A channel separation study is attached.

The Report and Order granted MCB's counterproposal requesting, inter alia, the allotment of Channel 272C2 at Crawford, Colorado. In doing so, the Commission denied a counterproposal of KAGM, LLC and others to allot Channel 272A at Greenwood Village,

<sup>1</sup> It will not be necessary to change the channel of KVLE in order to accommodate the Channel 274C3 allotment. See attached channel spacing study. Therefore, the conflict with the initial petition is removed.

Colorado, which would have precluded MCB's counterproposal because of its conflicting use of Channel 272A at Breckenridge, Colorado. The Report and Order is not yet final.

The Commission's denial of the KAGM counterproposal was unexpected, and entailed the reversal of existing case law. Specifically, the Commission announced that it would no longer permit a licensee to change its allotment reference coordinates in connection with a rule making proceeding, even though it had permitted this kind of change before. Because the KAGM proposal required reference point changes for several stations, the Commission deemed it to be defective.

MCB believes that the public interest is not well served by this unexpected policy change. Indeed, MCB could envision that it may wish to take advantage of the ability to modify a licensee's allotment reference coordinates in the course of achieving a favorable arrangement of allotments. MCB has every reason to believe that this policy change will be challenged, and that the Report and Order in this case will be appealed. Moreover, MCB favors such an appeal, and hopes that it will succeed. By withdrawing its interest in a Channel 272C2 allotment at Crawford, MCB will remove any conflict with the KAGM petitioners. In this manner, MCB will no longer stand in the way of an appeal of the Report and Order.

Respectfully submitted,

MAYFLOWER-CRAWFORD BROADCASTERS, LLC

By: 

Scott C. Cinnamon  
Law Offices of Scott C. Cinnamon, PLLC  
1090 Vermont Ave., N.W., Suite 800 #144  
Washington, D.C. 20005  
(202) 216-5798  
Its Counsel

October 6, 2004

**Channel Study**  
**Crawford, Colorado**  
**Channel 274C3**  
**Latitude 38-38-9**  
**Longitude 107-34-43**  
**Sept. 29, 2004**

| <u>Call</u>      | <u>City</u>         | <u>Chan/Class</u> | <u>Dist</u> | <u>Margin</u> |
|------------------|---------------------|-------------------|-------------|---------------|
| ADD <sup>1</sup> | Crawford, CO        | 272C2             | 12.8        | -43.2         |
| KBIQ             | Manitou Springs, CO | 274C              | 236.8       | -0.23         |
| KQZR             | Craig, CO           | 273C              | 175.9       | -0.13         |
| VAC              | De Beque, CO        | 275C3             | 102.0       | +3.0          |
| KPRU             | Delta, CO           | 277C2             | 62.3        | +6.3          |
| KVLE             | Gunnison, CO        | 272A              | 57.3        | +15.3         |

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<sup>1</sup> 274C3 would be allotted instead of 272C2 and thus the short spacing to 272C2 is of no consequence

**DECLARATION**

I, Drew McManigle, declare under penalty of perjury, that:

1. I am the managing member of Mayflower-Crawford Broadcasters, LLC ("MCB").
  
2. Neither MCB nor any of its members individually, have received or will receive any money or other consideration in exchange for the withdrawal of MCB's Counterproposal.

Date: October 6, 2004

  
Drew McManigle

### CERTIFICATE OF SERVICE

I, Scott C. Cinnamon, do certify that I have caused to be mailed, on this 6<sup>th</sup> day of October, 2004, by first class mail, postage prepaid, copies of the foregoing "Request for Approval of Withdrawal" to the following:

Peter H. Doyle, Chief \*  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dana J. Puopolo  
2134 Oak Street, Unit C  
Santa Monica, CA 90405

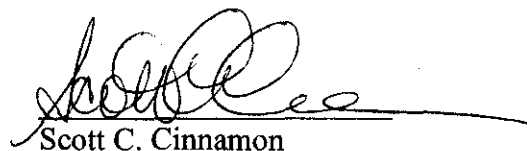
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\* - by Federal Express

  
Scott C. Cinnamon